

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Michael David Pierce

Case:2:16-mj-30105

Judge: Unassigned,

Filed: 03-09-2016 At 12:43 PM

CMP USA V. MICHAEL DAVID PIERCE (LH
)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

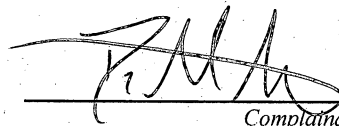
On or about the date(s) of October 5, 2014 - March 9, 2016 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:*Code Section*18 U.S.C. 2251(a)
18 U.S.C. 2252A(a)(2)
18 U.S.C. 2252A(a)(5)(B)*Offense Description*production of child pornography
distribution and receipt of child pornography
possession of child pornography

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

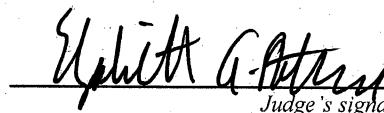
Sworn to before me and signed in my presence.

Date: March 9, 2016City and state: Detroit, MI

Complainant's signature

Special Agent David Alley, HSI

Printed name and title



Judge's signature

Honorable Elizabeth A. Stafford, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, David Alley, being first duly sworn, state as follows:

I. INTRODUCTION

1. I am a Special Agent with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI), in Detroit, Michigan.). I am assigned to the Special Agent in Charge (SAC), Office of Investigations (OI) in Detroit, Michigan with offices located at 477 Michigan Ave, Suite 1850, Detroit, Michigan. I have been employed with HSI since March, 2007. I have successfully completed the Criminal Investigator Training Program and the Immigration and Customs Enforcement Special Agent Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. I have received a Bachelor's Degree in Criminal Justice from Michigan State University, as well as a Master's Degree in Criminal Justice from Michigan State University.
2. This affidavit is made in support of an application for a criminal complaint and arrest warrant for **Michael David PIERCE** for the production, receipt, possession and distribution of child pornography in violation of Title 18, United States Code, Sections 2252 and 2252A.

3. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information made available to me by other law enforcement professionals. These facts are provided for the sole purpose of establishing probable cause for the issuance of a criminal complaint and arrest warrant; therefore, this affidavit does not necessarily contain all information uncovered during this investigation. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause for an arrest warrant for **Michael David PIERCE**.
4. Pursuant to the provisions of Title 18, United States Code, section 2256, "child pornography," as used in this affidavit, includes any visual depiction, including any photograph, film, video, picture, or computer generated image or picture of sexually explicit conduct where the production of the visual depiction involved the use of a minor engaging in sexually explicit conduct.

II. SKYPE

5. Skype is an application that provides video chat and voice call services. Users may exchange such digital documents as images, text, video and any others, and may transmit both text and video messages. Skype allows the creation of video conference calls. Skype is available for Microsoft Windows, Macintosh, or Linux, as well as Android, Blackberry, and both Apple and Windows smartphones and tablets.

III. INVESTIGATIVE DETAILS

6. On or about March 12, 2015, law enforcement officials in the country of Gibraltar arrested Colin FISHER for crimes involving the possession and distribution of child pornography. On September 25, 2015, FISHER was sentenced to 44 months in prison for the above crimes.
7. During the course of the investigation, law enforcement in Gibraltar seized electronics belonging to FISHER, to include a Dell Vostro (all-in-one) System. Forensic analysis of this computer revealed that FISHER had utilized SKYPE, and the SKYPE name justin.temple97, to communicate with other individuals regarding child pornography and the sexual interest in children. Specific to this investigation, law enforcement found communications between FISHER and the SKYPE username

michelle.lynn64. The chat content and associated file transfers are believed to be related to the possession and distribution of child pornography

8. On December 15, 2015, your affiant served a Customs Summons on Skype Communications Sarl (hereafter SKYPE), Law Enforcement Relationship Management for IP history and subscriber information on SKYPE user **michelle.lynn64**. On January 6, 2016, SKYPE responded to the summons and provided that username **michelle.lynn64** was created on August 20, 2011, in the United States and was created from IP address 71.238.130.232 using email address **md1727@yahoo.com**.
9. Through various summons and law enforcement databases, your affiant determined that the account **md1727@yahoo.com**, and the IP address associated with the investigation resolved to:

Subscriber name: **MR MICHAEL PIERCE**

SSN: **XXX-XX-5826**

Service address: **1XX W FLINT ST, APT X, LAKE ORION, MI**

Telephone #: **248-820-XXXX**

Type of Service: High Speed Internet Access

Account Number: 09558284XXXXX¹

Start of Service: 11/09/2009

Account Status: Active

IP Assignment: Dynamically Assigned

E-Mail User IDs: **md1727**

¹ This is the same phone number as in paragraph 9.

(the above user ID(s) end in @comcast.net)

10. SA Alley has had an opportunity to review the chat conversation between FISHER and **PIERCE**. The below is a sampling of the approximately 442 messages exchanged between FISHER and **PIERCE**. The conversations are sexually graphic in nature. They include FISHER and PIERCE transferring multiple video files to each other in the context of discussing their sexual interest in children. A sample appears below:

10/05/2014 13:02:49 justin.temple97 hey u see vid
 10/05/2014 13:03:11 **michelle.lynn64** yes do u?
 10/05/2014 13:03:14 justin.temple97 yes
 10/05/2014 13:03:17 justin.temple97 so what u got
 10/05/2014 13:03:53 justin.temple97 ?
 10/05/2014 13:04:37 **michelle.lynn64** and you?
 10/05/2014 13:06:17 justin.temple97 whats the sickes one u got
 10/05/2014 13:06:21 justin.temple97 sickest
 10/05/2014 13:06:46 **michelle.lynn64** idk what u like
 10/05/2014 13:07:12 justin.temple97 mm fucking
 10/05/2014 13:07:16 justin.temple97 tight
 10/05/2014 13:07:17 justin.temple97 and you
 10/05/2014 13:07:33 **michelle.lynn64** all

11. The conversations between FISHER and **PIERCE** also include discussions regarding the sexual molestation of children. Specifically, **PIERCE** told FISHER that he has sexually assaulted two children, and is continuing to molest one of those two:

10/05/2014 13:08:56 justin.temple97 have u ever done it ?

10/05/2014 13:09:06 **michelle.lynn64** yes you?

10/05/2014 13:09:12 justin.temple97 no man

10/05/2014 13:09:14 justin.temple97 i wish

10/05/2014 13:09:17 justin.temple97 whit who

...

10/05/2014 13:16:30 justin.temple97 so have u done it recently to them ?

10/05/2014 13:16:40 **michelle.lynn64** yea

...

10/05/2014 13:20:02 justin.temple97 how old is she

10/05/2014 13:20:15 **michelle.lynn64** 6

10/05/2014 13:20:29 justin.temple97 ohh nicee can we cam then one day :)

10/05/2014 13:20:34 justin.temple97 while u do her

10/05/2014 13:20:43 **michelle.lynn64** :)

10/05/2014 13:20:53 justin.temple97 whennnn :)

Hehe

....

11/05/2014 09:57:19 justin.temple97 dose she give head
 11/05/2014 09:57:23 michelle.lynn64 yes
 11/05/2014 09:57:25 justin.temple97 good head
 11/05/2014 09:57:28 michelle.lynn64 yep
 11/05/2014 09:57:50 justin.temple97 ime so jelous lol sorry for all the
 questions man lol
 11/05/2014 09:57:55 michelle.lynn64 np
 11/05/2014 09:58:02 justin.temple97 i need to c her in action
 11/05/2014 09:58:08 michelle.lynn64 lol

...

12. Your affiant has reviewed the transfer data of the video files transferred in the chats, above. The files sent and received during the conversations contain files name extensions and sizes (in bytes) consistent with video files.
13. On March 7, 2016, checks were conducted in the National Child Victim Identification System (NCVIS) for the files referenced above. NCVIS is an HSI owned system which acts as a repository for seized child exploitation material from HSI cases and referrals. One of the files sent to FISHER by PIERCE, **"Mom and Daughter WMV"**² was an exact match in NCVIS. This file is an identified victim and offender file. The video file **"Mom and Daughter . . .**

² The video file name has been redacted; the full name is known to your affiant.

...WMV" is 33:20 minutes long and depicts an adult female sexually abusing a prepubescent female child.

14. On March 7, 2016, the Honorable Elizabeth Stafford, US Magistrate Judge, authorized a search warrant at PIERCE's residence located at 1XX W Flint St, Apartment X, Lake Orion, MI. On March 9, 2016, HSI Special Agents executed the search warrant at the above address. During the course of the search warrant, agents encountered PIERCE, who lived alone in the apartment.
15. PIERCE agreed to be interviewed. During the interview, he admitted to the following:
 - a. He admitted to being "**michelle.lynn64**" and trading child pornography online with others with Skype, as well as Yahoo! messenger and Omeagle.
 - b. He stated that he has been sexually assaulting a little girl, now age 8 (MV-1). He said he has been doing so for the last 2-3 years. The sexual contact includes MV-1 performing oral sex on him, and him performing oral sex on MV-1.
 - c. He stated he produced child pornography with MV-1, which included filming her engaging in sex acts, like the ones described above. He estimated over 100 images and approximately 30 videos.

- d. He admitted that he has filmed another female child, approximately age 8 (MV-2), while that child and MV-1 were nude together.
- e. He admitted to sexually assaulting a 5 year old boy, (MV-3), by having him perform oral sex on PIERCE and PIERCE performed oral sex on him.
- f. He admitted to filming the oral sex with MV-3 on at least 5 occasions.
- g. He stated that he is "not going to get better," and when asked if he would continue to molest children had law enforcement not stopped him, he responded: "I don't know."

16. A preliminary forensic preview of PIERCE's computer revealed the following:


- a. Images of small children engaging in sex acts, as well as lasciviously displaying their genitals.
- b. Numerous images of MV-1, naked, with the focus on her vagina, and spreading her legs for the camera.
- c. Images of MV-1 and MV-3, naked together.
- d. A video of MV-1 and PIERCE, approximately 5 minutes long. PIERCE is naked, throwing MV-1 on a bed while she's wrapped in a towel. She is naked and asks to put on clothes. PIERCE proceeds to penetrate MV-1's vagina with his finger. MV-1 can be seen

squirming away from him. PIERCE places MV-1 on his naked body and fondles her vagina for the camera.

III. CONCLUSION

17. Your Affiant respectfully submits that there is probable cause to believe that **Michael David PIERCE** produced, received, possessed and distributed child pornography in violation of Title 18, United States Code, Sections 2251(a), 2252 and 2252A.
18. Wherefore by this affidavit and application, Affiant requests that the Court authorize the issuance of a criminal complaint and arrest warrant for **Michael David PIERCE**.

Respectfully submitted,



Dave Alley, Special Agent
Department of Homeland Security
Homeland Security Investigations

Subscribed and sworn to before me
on the 9 th day of March, 2016.



HONORABLE ELIZABETH A. STAFFORD
UNITED STATES MAGISTRATE JUDGE